

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Alteration of a Public Crossing of the Union Pacific Railroad Co. Tracks with CTH 'U' in the Town of Hudson, St. Croix County

9040-RX-1174

SUPPLEMENTAL ORDER

On October 22, 2003, the Office of the Commissioner of Railroads (OCR) issued an order that required the alteration of the public crossing of the Union Pacific Railroad Co. (UP) tracks with CTH 'U' in the Town of Hudson, St. Croix County by June 25, 2004 (crossing no. 183 833D MP 23.34). The OCR issued a supplemental order on November 4, 2003 that required the installation of cantilevered automatic 12" LED flashing lights behind the outside shoulders and automatic 12" LED flashing lights, and gates with constant warning time circuitry.

By letter dated June 22, 2004, the Union Pacific Railroad Co. filed a request for an extension of time to August 31, 2004 for both the crossing work and the signal installation. The UP states that the signed agreements were mailed on April 28, but were lost in the mail.

In an email dated June 29, 2004, the Wisconsin Department of Transportation (DOT) opposes any extension of time for the crossing surface and signal work. CTH 'U' is being expanded from 2-lanes to 4-lanes. The construction is being done in stages. The crossing needs to be widened on time so that the staging can be done as planned.

DOT states that "while the Force Work Agreements weren't executed until the middle and end of April, the railroad has been aware of the completion date since the hearing on [September 16, 2003]. They were further reminded of this date in the Proposed Decision (dated September 24, 2003), the Final Order (dated October 22, 2003), the Supplemental Order (dated November 4, 2003) and in the estimate request (dated November 17, 2003). **It should also be noted that the Force Work Agreements were delayed due to estimating issues internal to the Union Pacific.**" (Emphasis added).

DOT requests that the OCR order the UP to install temporary flange and guard timbers on either side of the existing concrete panels as soon as possible so that the highway contractor can pave asphalt in these areas to allow for the construction staging as planned. DOT wants the crossing extensions installed by **July 16**. The highway contractor on this project may have a claim due to the railroad work not being completed on time.

As an **interim measure** DOT proposes that the railroad be ordered to remove the existing flashing light signals, install crossbucks and to flag all train movements over the crossing until such time that the railroad installs the active warning devices. CTH 'U' carries 7100 ADT (average daily traffic). There is too much highway traffic to order stop signs.

The Commissioner orders the Union Pacific Railroad Co. to install temporary flange and guard timbers or concrete panels on either side of the existing concrete panels **no later than July 16, 2004**. The Commissioner also orders the UP to remove the existing flashing light signals, install crossbucks **no later than July 16, 2004** and to flag all train movements over the crossing beginning no later than the date on which the crossing signals are removed and continuing until such time that the railroad installs the active warning devices. The Commissioner extends the deadline for the installation of the new crossing signals to August 31, 2004. Last, the Commissioner declines to extend the deadline for the installation of the concrete panels beyond July 16. The UP should install the concrete panels as soon as possible.

THEREFORE, IT IS ORDERED,

1. That the **Union Pacific Railroad Co.** shall install and maintain temporary flange and guard timbers or concrete panels on either side of the existing concrete panels at the crossing at-grade of CTH 'U' with its tracks in accordance with the design plans of the Wisconsin Department of Transportation in the Town of Hudson, St. Croix County by **July 16, 2004**. (Crossing No. 183 833D / MP 23.34)

2. That the **Union Pacific Railroad Co.** shall remove the existing flashing light signals and install and maintain crossbucks at the crossing at-grade of CTH 'U' with its tracks in the Town of Hudson, St. Croix County by **July 16, 2004**. The **Union Pacific Railroad Co.** shall flag all train movements over the CTH 'U' crossing **beginning no later than the date on which the crossing signals are removed and continuing** until such time that the railroad installs the active warning devices.

3. That the **Union Pacific Railroad Co.** shall install and maintain cantilevered automatic 12" LED flashing lights behind the outside shoulders and automatic 12" LED flashing lights, and gates with constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with CTH 'U' at-grade in the Town of Hudson, St. Croix County by **August 31, 2004**. These crossing signals shall be interconnected with simultaneous pre-emption with the traffic signals at USH 12.

4. That jurisdiction is retained.

Dated at Madison, Wisconsin, \_\_\_\_\_.

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen  
Commissioner of Railroads